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Paper No. 7

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OFFICE OF PETITIONS

In re Application of
Lalitha Suryanarayana
Application No. 09/683,331
Filing Date: December 14, 2001
Attorney Docket No.: T00355

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: ON PETITION
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This is a decision on the petition filed March 4, 2002 requesting that the "Notice to File Missing Parts of Nonprovisional Application" be withdrawn, and the petition fee refunded.

The petition is GRANTED to the extent that the requirement to submit "figure 1" is withdrawn. However, the requirement to submit an executed oath or declaration and late surcharge set forth in the Notice was proper and will not be withdrawn.

Receipt of the executed declaration and late surcharge filed March 11, 2002 is acknowledged.

On December 14, 2001, the original application papers in the above-identified application were electronically filed. However, on January 2, 2002, the Office of Patent Examination mailed a "Notice to File Missing Parts of Nonprovisional Application" advising applicant that "figure 1" described in the specification appeared to have been omitted. In addition, the Notice stated that a signed oath or declaration and late surcharge under \$1.16(e) were required.

In response, applicant filed the instant petition, maintaining that the application as filed on December 14, 2001, included figure 1. In support thereof, petitioner submitted a copy of the acknowledgment receipt of their electronic filing and a floppy disk purportedly containing a copy of the application as transmitted on December 14, 2001.

Nonetheless, a consideration of petitioner's evidence is not necessary to render a decision on petition. A second review of the original application papers as filed electronically reveals that figure 1 was among the papers submitted to the Office on December 14, 2001. However, the electronically filed submission as first printed did not include figure 1. This has been corrected. The submission of "fig1.tif" filed December 14, 2001, has been reprinted; the resulting drawing sheet containing figure 1 is now present in the application file.

Accordingly, the "Notice to File Missing Parts" mailed January 2, 2002 was sent in error, and is hereby WITHDRAWN to the extent indicated.

The \$130.00 petition fee is being refunded in the form of a treasury check.

Thereafter the application is being returned to the Office of Initial Patent Examination to scan in a copy of informal drawing "figure 1" with a filing date of December 14, 2001, using a copy of the informal drawing of "figure 1" obtained from Office records and complete pre-examination processing, including processing of the two (2) sheets of formal drawings filed March 4, 2002.

Telephone inquiries related to this decision may be directed to Petitions Attorney Charlema R. Grant at (703) 306-0251.



Beverly M. Flanagan
Supervisory Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT & TRADEMARK OFFICE
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REQUEST FOR PATENT FEE REFUND					
1 Date of Request: <u>6/4/02</u>		2 Serial/Patent # <u>09/683,331</u>			
3 Please refund the following fee(s):		4 PAPER NUMBER	5 DATE FILED	6 AMOUNT	
	Filing			\$	
	Amendment			\$	
	Extension of Time			\$	
	Notice of Appeal/Appeal			\$	
<input checked="" type="checkbox"/>	Petition	<u>5</u>	<u>3/4/02</u>	\$ <u>130.00</u>	
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	Cert of Correction/Terminal Disc.			\$	
	Maintenance			\$	
	Assignment			\$	
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		7 TOTAL AMOUNT OF REFUND		\$ <u>130.00</u>	
		8 TO BE REFUNDED BY:			
		<input checked="" type="checkbox"/>	Treasury Check		
		<input type="checkbox"/>	Credit Deposit A/C #:		
		9			
10 REASON:					
	Overpayment				
	Duplicate Payment				
<input checked="" type="checkbox"/>	No Fee Due (Explanation):				
<u>Ref. granted</u>					
11 REFUND REQUESTED BY:					
TYPED/PRINTED NAME: <u>CHARLEMA GRANT</u>			TITLE: <u>ATTORNEY</u>		
SIGNATURE: <u>Charlema Grant</u>			PHONE: <u>306-0251</u>		
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APPROVED: <u>Alicia Kelly</u>			DATE: <u>6/25/02</u>		

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